

RECEIPT # 55450
 AMOUNT \$ 150-
 SUMMONS ISSUED -
 LOCAL RULE 4.1 -
 WAIVER FORM -
 MCF ISSUED 28
 BY DPTY. CLK. 28
 DATE 4-22-04

UNITED STATES DISTRICT COURT
 COMMONWEALTH OF MASSACHUSETTS

TRACEY DESROCHERS,
 Plaintiff

v.

DENNIS E. PIENDAK, Town Manager,
 and LEO GAUDETTE, Fire Chief for
 the TOWN OF DRACUT, on behalf
 of the TOWN OF DRACUT,
 Defendants

04 - 10806 RWZ

C.A. No. _____

MAGISTRATE JUDGE

Alexander

NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §1441(a)

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MASSACHUSETTS:

Petitioners, Dennis Piendak, Leo Gaudette, and the Town of Dracut, respectfully petition this Court for removal of the above-entitled action to the United States District Court for the District of Massachusetts, Civil Section, from the Superior Court of the Commonwealth of Massachusetts in and for Middlesex County, and for their Notice of Removal state as follows:

1. Dennis Piendak, Leo Gaudette, and the Town of Dracut, are named as defendants by the plaintiff, Tracey Desrochers, in a civil action filed in the Superior Court of the Commonwealth of Massachusetts in and for Middlesex County, entitled Tracey Desrochers v. Dennis E. Piendak, Town Manager and Leo Gaudette, Fire Chief for the Town of Dracut, on behalf of the Town of Dracut, Civil Action No. 04-13073L. On April 2, 2004, the defendant, the Town of Dracut, was served with a Summons and a copy of plaintiff's original Complaint. See Summons attached hereto as Exhibit "A." The defendant has not yet answered the original Complaint, nor has an

appearance been filed on Defendants' behalf.

2. This is a suit of a wholly civil nature brought in a Massachusetts state court. The action is pending in Middlesex County, Massachusetts, and, accordingly, under 28 U.S.C. §§101 & 1441(a), the United States District Court for the District of Massachusetts is the proper forum for removal.
3. This is an action in which the plaintiff alleges, among other things, that the defendants, Town of Dracut, Town Manager Dennis Piendak, and Fire Chief Leo Gaudette, discriminated against plaintiff in violation of Title VII and the U.S. Constitution.
4. Because this case involves federal constitutional issues and claims for relief under federal law, the District Court has original jurisdiction pursuant to 28 U.S.C. §1331.
5. The defendants are filing this Notice within thirty days of service of the Summons and original Complaint upon the Town of Dracut, within thirty days of the date this case became removable, and within the time for filing this petition. See 28 U.S.C. §1446.
6. The defendants will file a Notice of Filing of this Notice of Removal and a copy of this Notice of Removal with the Clerk of the Superior Court of Massachusetts, County of Middlesex.
7. Pursuant to Local Rule 81.1(a), the petitioners shall request of the Clerk of the Superior Court of Massachusetts, County of Middlesex, certified or attested copies of all records and proceedings in the state court and certified or attested copies of all docket entries therein, and shall file the same with this Court within thirty days after

the filing of this Notice of Removal.

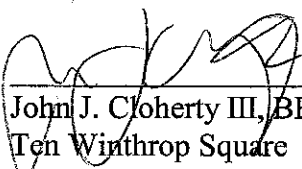
8. All defendants named in plaintiff's Complaint join in and consent to this Notice of Removal.

WHEREFORE, petitioners, Dennis Piendak, Leo Gaudette, and the Town of Dracut, pray that the above action now pending in the Superior Court of the Commonwealth of Massachusetts in and for Middlesex County be removed from that Court to this United States District Court.

Respectfully submitted,

The Defendants,
DENNIS E. PIENDAK, Town Manager and
LEO GAUDETTE, Fire Chief for the Town of
Dracut, on behalf of the TOWN OF DRACUT,
By their attorneys,

PIERCE, DAVIS & PERRITANO, LLP



John J. Cloherty III, BBO#566522
Ten Winthrop Square
Boston, MA 02110
(617) 350-0950

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon each attorney of record, or pro se litigant, by mail ~~by hand~~.

4/22/04
Date

